IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1629 OF 2005

Shiv Ratan Kumar Pandey ..Petitioner

Vs.

State of Maharashtra ..Respondents

...

Mr. N.V.Pradhan with Ms.S.D.Khot Advocate for Petitioner
Mr. D.P.Adsule, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 12,2005

P.C.

1. Heard both sides.

2. The petitioner is facing prosecution in 26 cases. The said cases are under M.P.I.D.Act. The list of 26 cases has been annexed at Exh.C to the petition. It is submitted by the learned advocate for the petitioner that petitioner is not a resident of Maharashtra and it is difficult for him to attend 26 different Courts which are spread all

over Maharashtra. It is further submitted on behalf of the petitioner that all the cases have been transferred to State CID at Pune and hence, all these cases may be transferred to Pune as it would tend to the general convenience of the parties if all the cases are transferred to Pune.

3. On the other hand, the learned A.P.P. has submitted that out of the 26 cases, 7 seven cases are pending before the Special Court at Nagpur. Three cases are pending before the Special Court at Aurangabad. Ten cases are pending before the Special Court at Amravati and as far as remaining cases are concerned, they are pending in the Special Court at Thane. Thus, it is seen that the trial in respect of the 26 cases, has been assigned to four Courts only. Thus it is clear that the petitioner does not have to attend 26 different places in connection with the trials but he has to attend only four different places. Moreover, in each of said cases, there are more than 375 persons who have been cheated. The learned A.P.P. has submitted that out of these large number of witnesses, at least 20 to 25 witnesses would be

examined in each case and hence, it would not be possible for all these witnesses to come to Pune. Thus, it is submitted that it would not tend to the general convenience of the parties if all the cases are transferred to Pune. I find much merit in the submission made by the learned A.P.P. hence, looking to the facts and circumstances of this case, I do not think that a fit case has been made out for transfer of 26 cases to one place i.e Pune. Hence, writ petition is dismissed.

[V.K.TAHILRAMANI,J.]